

**MINUTES OF THE COURT OF APPEAL  
STATE OF CALIFORNIA  
SECOND APPELLATE DISTRICT**

**May 27, 1999**

## DIVISION ONE

B130323 Sylvia L. (Not for Publication)  
v.  
Superior Court, Los Angeles County  
(Los Angeles County Department of Children & Family Services, r.p.i.)

We deny the petition.

Ortega, J.

We concur: Spencer, P.J.  
Vogel (Miriam A.), J.

B100345      Richard Derry      (Not for Publication)  
v.  
Countrywide Funding Corporation

The judgment is affirmed.

Spencer, P.J.

We concur: Ortega, J.  
Masterson, J.

B120271 Jeff Hearn, as Creditor, etc. (Not for  
Publication)  
v.  
Fred Rosen et al.

The judgment is affirmed. Rosen is entitled to his costs on appeal.

Vogel (Miriam A.), J.

We concur: Spencer, P.J.  
Ortega, J.

DIVISION ONE (Continued)

B118521      Genevieve Silberman      (Not for Publication)  
                 v.  
                 Charles C.Y. Cheng

The various orders issued by the trial court are affirmed. Genevieve Silberman is entitled to her costs on appeal.

Ortega, Acting P.J.

We concur:    Vogel (Miriam A.), J.  
                 Masterson, J.

B121377      Minnie Brown      (Certified for Publication)  
                 v.  
                 County of Los Angeles, et al.

The judgment is affirmed. Brown is awarded her costs on appeal.

Vogel (Miriam A.), J.

We concur:    Spencer, P.J.  
                 Masterson, J.

B127326      People      (Not for Publication)  
                 v.  
                 Borboa

The judgment is affirmed.

Spencer, P.J.

We concur:    Ortega, J.  
                 Masterson, J.

May 27, 1999-Continued

## DIVISION ONE (Continued)

B122830 People v. Roy (Not for Publication)

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The judgment is affirmed.

Spencer, P.J.

We concur: Vogel (Miriam A.), J.  
Masterson, J.

B123026 People (Not for Publication)  
v.  
Cota

The judgment is affirmed.

Ortega, J.

We concur: Spencer, P.J.  
Vogel (Miriam A.), J.

B124591 People v. Publer (Not for Publication)

The judgment is affirmed.

Ortega, Acting P.J.

We concur: Vogel (Miriam A.), J.  
Masterson, J.

May 27, 1999-Continued

## DIVISION ONE (Continued)

[illegible]

The judgment is affirmed.

Ortega, J.

We concur: Spencer, P.J.  
Masterson, J.

B122595 People (Not for Publication)  
v.  
Valdespino

That portion of the judgment reflecting defendant's conviction on count 2 is reversed, as is that portion of the judgment awarding defendant presentence conduct credits under section 667, subdivision (c)(5). In all other respects, the judgment is affirmed. We remand the matter to the trial court with directions to (1) lift the section 654 stay on count 1 and transfer the designation of base term from count 2 to count 1, (2) award defendant presentence conduct credits pursuant to section 4019, and (3) issue and forward to the Department of Corrections a corrected abstract of judgment.

Ortega, Acting P.J.

We concur: Vogel (Miriam A.), J.  
Masterson, J.

## DIVISION ONE (Continued)

[illegible]

The matter is remanded for issuance of a new abstract of judgment showing the restitution fine imposed by the trial court. A copy of the new abstract is to be sent to the Department of Corrections. In all other respects, the judgment is affirmed.

Ortega, J.

We concur: Spencer, P.J.  
Masterson, J.

B125992 People (Not for Publication)  
v.  
Rivera

The judgment is affirmed. The abstract of judgment is modified to reflect two five-year enhancements imposed pursuant to Penal Code section 667, subdivision (a)(1). The clerk of the superior court is directed to prepare a modified abstract of judgment and forward a copy thereof to the Department of Corrections.

Spencer, P.J.

We concur: Ortega, J.  
Vogel (Miriam A.), J.

B117805	Hoffman et al.	(Not for Publication)
B120021	v.	
B123411	Beharry et al.	

The judgment is affirmed. The trial court is directed to determine the reasonable attorney's fees incurred on appeal.

Spencer, P.J.

We concur: Ortega, J.  
Vogel (Miriam A.), J.

## DIVISION ONE (Continued)

[illegible]

The judgment is modified by striking the five-year enhancement imposed pursuant to section 667, subdivision(a)(1). As so modified, the judgment is affirmed. The clerk of the superior court is directed to prepare a modified abstract of judgment and forward a copy to the Department of Corrections.

Spencer, P.J.

We concur: Vogel (Miriam A.), J.  
Masterson, J.

B128379      Keenan      (Certified for Publication)  
v.  
S.C.L.A.  
Sinatra, Jr.

The petition is denied. The order to show cause is vacated and the stay previously issued is dissolved. Sinatra is entitled to his costs of these writ proceedings.

Vogel (Miriam A.), J.

We concur: Ortega, Acting P.J.  
Masterson, J.

## DIVISION TWO

Court convened at 9:15 A.M.

Present: Boren, P.J., Nott, J., Zebrowski, J., Mallano, J. (Assigned), and J. Chlanda, Deputy Clerk.

DIVISION TWO (Continued)

B111799      Gupta  
                  v.  
                  20th Century Insurance Company

Merits:  
Argued by A. Clifton Hodges for appellant and by Holly Paul for respondent. Cause submitted.

B118505      Star's Limo  
                  v.  
                  Baghi

Merits:  
Argued by Kim Blanchard for appellant and by Matthew Kinley for respondent. Cause submitted.

B124572      Brau  
                  v.  
                  MRL Group

Merits:  
Argued by Joseph Lange for appellant and by Norman Levine for respondent. Cause submitted.

B117581      Stimpfel  
                  v.  
                  LA. County Employees Retirement Association

Merits:  
Argued by Ted Stimpfel, appellant in propria persona and by Margaret Oldendorf for respondent. Cause submitted.

B121528      Anil Verma Associates  
                  v.  
                  BSI Consultants, Inc.

Merits:  
Argued by Michele Rico for appellant and by Terry Kesinger for respondent. Cause submitted.

DIVISION TWO (Continued)

B120844     Department of Children & Family Services  
              v.  
              Jose R.

Merits:  
Argued by Gary Gross for appellant and by Stephanie Davis for respondent.  
Cause submitted.

B118561     Elliott & Delange  
              v.  
              Pinho

Merits:  
Argued by Daul Mahoney and Herbert Stroh for appellants and by Pamela Thatcher for respondent. Cause submitted.

B119881     Binder  
              v.  
              Aetna Life Insurance Company

Merits:  
Argued by James Berry for appellant and by Scott Silverman for respondent. Cause submitted.

Court recessed.

The Court reconvened at 2:00 P.M.

Present: Boren, P.J., Nott, J., Zebrowski, J., Mallano, J. (Assigned), and J. Chlanda, Deputy Clerk.

B115346     Storace  
              v.  
              Danso

Merits:  
Argued by Barry Josephson for appellant and by Robert Rice for respondent. Cause submitted.



DIVISION TWO (Continued)

B118559     People  
              v.  
              Levine

Merits:

Argued by Mark Geragos for appellant and by Margaret Maxwell, Deputy Attorney General for respondent. Cause submitted.

B126079     County of Los Angeles  
              v.  
              Milana R.

Merits:

Argued by Michael Salazar for appellant and by Patrick Goodman for respondent. Cause submitted.

B119891     People  
              v.  
              Ward

Merits:

Argued by Barry Bernstein for appellant and by Lauren Dana, Deputy Attorney General for respondent. Cause submitted.

Justice Nott leaves the bench.

B119908     Weber Madgwick, Inc.  
              v.  
              Bank of America  
              (Scheffler, r.p.i.)

Merits:

Argued by Alexander Robertson for appellant and by Randall Kennon and Adam Grant for respondents. Cause submitted.

Court adjourned.

## DIVISION TWO (Continued)

B127105 Computer Sciences Corporation et al. (Not for Publication)  
v.  
Superior Court, Los Angeles County  
(Hargreaves, r.p.i.)

Let a writ of mandate issue directing the superior court to set aside its order denying petitioners' motion for summary judgment, and to issue a new and different order granting petitioner's motion. The parties to bear their own costs.

Zebrowski, J.

We concur:   Boren, P.J.  
                      Nott, J.

B129823      Bridget B.      (Not for Publication)  
v.  
Superior Court, Los Angeles County  
(L.A. County Department of Children & Family Services, r.p.i.)

The petition for writ of mandate is denied, and the order to show cause is dismissed.

Boren, P.J.

We concur: Nott, J.  
Zebrowski, J.

## DIVISION THREE

B116885      Mari Bloom      (Not for Publication)  
v.  
Jobeth Williams

The judgment is affirmed. Williams to recover costs on appeal.

Klein, P.J.

We concur:   Croskey, J.  
                      Kitching, J.

DIVISION THREE (Continued)

B123944      Anthony Cardinale      (Not for Publication)  
v.  
Barbara Hearn & Thierry Didelot

The order granting the preliminary injunction is affirmed. Hearn and Didelot shall recover their costs on appeal.

Croskey, J.

We concur: Klein, P.J.  
Kitching, J.

B121010      Richard Alonso et al.      (Not for Publication)  
v.  
Verdugo, Florencio Roofing Company

The judgment is reversed and the cause is remanded for further proceedings consistent with the views expressed herein. Costs on appeal to Verdugo.

Croskey, J.

We concur: Klein, P.J.  
Aldrich, J.

B125579      Carol Allison      (Certified for Publication)  
v.  
Workers Compensation Appeals Board  
Del Amo Mobile Homes Estates, Superior Pacific Casualty, Respondent

The order of the WCJ is reversed and the case is remanded for further proceedings, on the issue of the disputed discovery, consistent with the views expressed herein. Costs on appeal to Allison.

Croskey, J.

We concur: Klein, P.J.  
Kitching, J.

### DIVISION THREE (Continued)

[illegible]

The judgment is affirmed.

Croskey, Acting P.J.

We concur:   Kitching, J.  
                      Aldrich, J.

B110667      PLCM Group, Inc.      (Certified for Partial Publication)  
v.  
David Drexler  
Dearborn Insurance Company et al.

The order granting PLCM and Dearborn attorney fees is affirmed. The summary judgments entered in favor of PLCM and the insurers are affirmed. The judgment after jury verdict entered in favor of PLCM is affirmed. PLCM and Dearborn are awarded costs on appeal. PLCM and the insurers' request for sanctions is denied.

Kitching, J.

We concur:   Croskey, Acting P.J.  
                  Aldrich, J.

B120729      Lynn M. Miles, etc.      (Not for Publication)  
v.  
Daniel David Miles  
Shirley Miles and David Miles

The order granting visitation is reversed. The Miles' petition(s) is (are) dismissed. The trial court is ordered to enter the dismissal of the petition(s). Each party to bear their own costs.

Kitching, J.

We concur: Klein, P.J.  
Croskey, J.

DIVISION FIVE

B121803      People  
v.  
Willie L. Alexander

Filed order denying petition for rehearing.

DIVISION SIX

B122982 People (Not for Publication)  
v.  
Townsend

The judgment is affirmed.

Yegan, J.

We concur:    Gilbert, Acting P.J.  
                      Coffee, J.

B113795 Pearl (Not for Publication)  
v.  
Pearl

The original judgment is modified to show a \$2411 family support order and, as so modified, is affirmed. The order denying post-judgment relief is affirmed. The parties shall bear their own costs on appeal.

Yegan, J.

We concur: Gilbert, Acting P.J.  
Matz, J. (Assigned)

May 27, 1999-Continued

## DIVISION SIX (Continued)

B115317 People (Not for Publication)  
v.  
Edwards

The clerk of the superior court is ordered to prepare and forward to the Department of Corrections an amended abstract of judgment reflecting the \$2,500 restitution fine. As so modified, the judgment is affirmed.

Yegan, J.

We concur:    Gilbert, Acting P.J.  
                      Coffee, J.

## DIVISION SEVEN

B118733 People  
v.  
Marks

Filed order modifying opinion filed April 18, 1999, and denying petition for rehearing. (Change in judgment)